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MAR 12 2004

In the United States Patent & Trademark Office

Docket No. LEAPS-C4

OFFICIAL

Applicants: M. Seul

Group Art Unit: 1641

Examiner: P. Do

Serial No.: 09/690,040

Filed: 10/17/2000

For: Light-controlled electrokinetic
assembly of particles near surfaces

Petition under MPEP 1306.2 for Simultaneous Issue of Patent

Commissioner for Patents
PO BOX 1450
Alexandria VA 22313-1450

Dear Sir:

On Sept. 18, 2003, under MPEP 1306.2 Applicant submitted, by fax, a Petition for Simultaneous Issue of Patent. At that time, Applicant believed that the issue fee had been paid earlier, by mail. Apparently, although the issue fee had been properly sent by first class mail, it had not been received by the PTO. With the Petition sent by fax on Sept. 18, 2003, the issue fee transmittal was again attached. However, this fax was also apparently not received by the PTO.

On March 1, 2004, Applicant re-faxed the Petition and Issue fee Transmittal directly to SPE Long Le. This time, the issue fee transmittal was received, and it has been paid. Along with the Issue fee transmittal, Applicant also submitted the Petition of Sept. 18, 2003. Applicant has a serious need to have the application allowed immediately, and that need is more urgent now than it was in September 2003, when the petition was first

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submitted. Accordingly, Applicant petitions for the issuance of the patent, in accordance with MPEP 1306.2.

It is noted that, in accordance with MPEP 1306.2, this petition was properly submitted at the time the issue fee transmittal was sent to Long Le (March 1, 2004). Because it was sent with the issue fee transmittal which was received and entered, it was submitted in accordance with the rules, and therefore it should be allowed, especially in view of the added delay Applicant has been subjected to by the PTO's loss of the issue fee transmittal twice. Had that not occurred, the patent would have already been issued. Accordingly, Applicant petitions to have the patent issue immediately.

Respectfully Submitted,

BY: 

Eric P. Mirabel
Reg. No. 31,211
Bioarray Solutions, Ltd.
35 Technology Drive
Warren NJ 07059
(908) 226 8200 (ext 203)

The Commissioner is hereby authorized to charge any fees due in connection with this submission and not otherwise covered by payment included herewith, or to credit any overpayment, to Deposit Account No. 502088.

I hereby certify that, on the date indicated below, this correspondence was faxed to Commissioner for Patents, at (703) 872-9306.

By: 

Date: 3/12/04

PATENT
ATTORNEY DOCKET NO.: LEAPS-Con4
CUSTOMER NO: 36038

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:
Michael Seul

Serial No.: 09/690,040

Filed: 10/17/2000

Allowed: 7/24/2003

For: Light-Controlled Electrokinetic Assembly
of Particles Near Surfaces

Group Art Unit: 1641

Examiner: P. Do

Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

Request/Petition for Simultaneous Issue of Patent

Dear Sir:

Pursuant to MPEP 1306.2, Applicants hereby requests or in the alternative petitions for immediate issuance of the above application as a patent. The request is made now, and was not made when the issue fee transmittal was mailed to the PTO on 7/31/03, because it has since then come to the attention of Applicant that a potential competitor will commercially launch infringing subject matter within the next few days -- well before the time a patent is otherwise expected to issue. A copy of the Issue Fee Transmittal (previously sent in) follows. Please charge any fee due in connection with this request to Deposit Account No. 502088.

Respectfully Submitted

BY:


Eric P. Mirabel

Reg. No. 31,211

Bioarray Solutions, Ltd.

35 Technology Drive

Warren NJ 07059

(908) 226 8200 (ext 203)

Date:

9/18/03

I, Eric P. Mirabel, certify that, on the date indicated above, this correspondence and all attachments indicated herein are being faxed to the Assistant Commissioner for Patents, at (703) 746-5291

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PATENT
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Respectfully Submitted,

BY: 

Date: 9/18/03

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Bioarray Solutions, Ltd.
35 Technology Drive
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